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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **RENE LOUISE STEWART-HOLMES**  
14 **aka RENE LOUISE STEWART**  
15 **aka RENE L. HOLMES**  
16 **17045 Arriba Way**  
17 **Prunedale, CA 93907**  
18 **Registered Nurse License No. 484310**

19 Respondent.

Case No. **2011-122**  
**ACCUSATION**

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
24 of Consumer Affairs.

25 2. On or about August 31, 1992, the Board of Registered Nursing issued Registered  
26 Nurse License Number 484310 to Rene Louise Stewart-Holmes, aka Rene Louise Stewart, aka  
27 Rene L. Holmes ("Respondent"). The Registered Nurse License was in full force and effect at all  
28 times relevant to the charges brought herein and will expire on August 31, 2012, unless renewed.

[illegible]

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

## STATUTORY AND REGULATORY PROVISIONS

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

"As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

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1        8.     California Code of Regulations, title 16, section 1443, states:

2        "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the  
3 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and  
4 exercised by a competent registered nurse as described in Section 1443.5."

5        9.     California Code of Regulations, title 16, section 1443.5 states:

6        "A registered nurse shall be considered to be competent when he/she consistently  
7 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
8 sciences in applying the nursing process, as follows:

9        "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
10 and behavior, and through interpretation of information obtained from the client and others,  
11 including the health team.

12        "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
13 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
14 for disease prevention and restorative measures.

15        "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
16 treatment to the client and family and teaches the client and family how to care for the client's  
17 health needs.

18        "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
19 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
20 effectively supervises nursing care being given by subordinates.

21        "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
22 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
23 communication with the client and health team members, and modifies the plan as needed.

24        "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
25 health care or to change decisions or activities which are against the interests or wishes of the  
26 client, and by giving the client the opportunity to make informed decisions about health care  
27 before it is provided."

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### STATEMENT OF FACTS

11. Respondent at all relevant times herein was employed as a registered nurse at Hazel Hawkins Memorial Hospital ("HHH") in Hollister, California.

12. On November 21, 2004, at 9:05 p.m., patient M.G. ("M.G.") presented to HHH complaining of vaginal bleeding. She was 35 years of age and approximately 29 weeks pregnant.

13. Respondent noted that M.G. came from the hospital's bathroom holding a specimen cup filled with approximately 10 milliliters of bright red blood. She was pale, had "generalized edema," brisk reflexes and a blood pressure of 162/104 at 9:25 p.m. Respondent noted that M.G.'s abdomen was tender and recorded that she was having late decelerations on the fetal heart rate monitor

14. The on-call obstetrician was notified of M.G.'s condition by Respondent. M.G. was given a preliminary diagnosis of pre-term labor and/or pregnancy induced hypertension. Respondent was at 9:30 p.m., given verbal orders to start an IV and administer the medication Magnesium Sulfate.<sup>1</sup> However, it was not until 9:58 p.m., that Respondent administered this medication.

15. Respondent later reviewed M.G.'s initial fetal heart rate tracing with the obstetrician. She agreed with the obstetrician that there were no late decelerations on the fetal heart rate tracing at 9:25 p.m., but failed to document this finding in M.G.'s labor record.

16. Beginning at approximately 10:22 p.m., M.G.'s fetus had a four minute fetal heart deceleration that Respondent did not report to the attending obstetrician.

17. Due to persistently elevated blood pressures, the attending obstetrician wrote an order for M.G. to be given Apresoline 5 milligrams intravenously, which Respondent

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<sup>1</sup> Magnesium Sulfate is used in pregnant women to stop pre-term labor and/or to prevent seizures as a result of pregnancy induced hypertension.

1 administered at 10:50 p.m. However, at approximately, 11:04 p.m. M.G.'s blood pressure was  
2 still elevated at 188/101. Respondent did not notify the attending obstetrician of this blood  
3 pressure reading.

4 18. At approximately 11:15 p.m., the fetal heart tracing reflected a decrease in baseline  
5 rate to 110 beats per minute. Respondent did not notify the attending obstetrician.

6 19. Shortly thereafter, at approximately 11:21 p.m., Respondent was unable to locate the  
7 fetal heart tones. It was not until 11:28 p.m. that the attending physician was notified.

8 20. M.G. was taken for an emergency cesarean section with her infant being pronounced  
9 dead at 1:11 a.m., on November 22, 2004.

10 21. Respondent subsequently testified that even though M.G. was her only patient, she  
11 delayed her narrative charting until after the cesarean section had been performed.

12 FIRST CAUSE FOR DISCIPLINE

13 (Gross Negligence and/or Incompetence – Failure to Notify Physician of Fetal Heart Rate  
14 Deceleration)

15 22. Respondent is subject to discipline for gross negligence and/or incompetence under  
16 section 2761, subdivision (a)(1) in that she failed to notify the attending obstetrician of an  
17 approximate four minute fetal heart rate deceleration in a high risk obstetric patient as set forth  
18 above in paragraphs 12 through 20.

19 SECOND CAUSE FOR DISCIPLINE

20 (Gross Negligence and/or Incompetence – Failure to Notify Physician of Decreased Baseline  
21 Fetal Heart Rate)

22 23. Respondent is subject to discipline for gross negligence and/or incompetence under  
23 section 2761, subdivision (a)(1) in that she failed to notify the attending obstetrician of the  
24 decrease in the baseline fetal heart rate at an approximate 11:15 p.m., in a high risk obstetric  
25 client as set forth above in paragraphs 12 through 20.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Gross Negligence and/or Incompetence – Failure to Timely Notify Physician of Inability to Find  
3 Fetal Heart Tones)

4 24. Respondent is subject to discipline for gross negligence and/or incompetence under  
5 section 2761, subdivision (a)(1) in that she failed to timely notify the attending obstetrician of her  
6 inability to locate fetal heart tones in a high risk obstetric patient as set forth above in paragraphs  
7 12 through 20.

8 FOURTH CAUSE FOR DISCIPLINE

9 (Gross Negligence and/or Incompetence – Failure to Notify Physician of M.G.'s Elevated  
10 Blood Pressure After Receiving Medication)

11 25. Respondent is subject to discipline for gross negligence and/or incompetence under  
12 section 2761, subdivision (a)(1) in that she failed to timely notify the attending obstetrician of  
13 M.G.'s elevated blood pressure after receiving an intravenous dose of Apresoline as set forth  
14 above in paragraphs 12 through 20.

15 FIFTH CAUSE FOR DISCIPLINE

16 (Gross Negligence and/or Incompetence – Failure to Timely Administer Magnesium  
17 Sulfate in a High Obstetric Risk Patient)

18 26. Respondent is subject to discipline for gross negligence and/or incompetence under  
19 section 2761, subdivision (a)(1) in that she failed to timely start the medication Magnesium  
20 Sulfate on a high risk obstetric patient as set forth above in paragraphs 12 thorough 19.

21 SIXTH CAUSE FOR DISCIPLINE

22 (Incompetence – Failure to Recognize Signs and Symptoms of an Abruptio)

23 27. Respondent is subject to discipline for incompetence under section 2761, subdivision  
24 (a)(1) in that she failed to timely recognize that M.G. was having a placental abruptio<sup>2</sup> as set  
25 forth above in paragraphs 12 thorough 20.

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27 <sup>2</sup> Placental abruptio is when the placenta (the intrauterine organ that delivers  
28 oxygen and nourishment to the fetus) separates from the uterus prior to the delivery of the fetus.

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